

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION

<b>PATRICK HENRY MURPHY, JR.,</b>	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	Civil Action No. H-19-1106
	§	
<b>TDCJ EXECUTIVE DIRECTOR,</b>	§	
<b>BRYAN COLLIER, et al.,</b>	§	
	§	
<i>Defendants.</i>	§	

**JOINT STATUS REPORT**

Pursuant to the Court's September 21, 2023, Order (ECF No. 108), Plaintiff and Defendants file this Joint Status Report.

The parties last advised the Court regarding the status of this proceeding on June 1, 2022 (ECF No. 104). On that date, the parties informed the Court that the parties had not yet reached an agreement regarding what access to his spiritual advisor Murphy would have in the pre-execution holding area. The parties still have not yet reached an agreement on this issue. The parties are, however, actively engaged in negotiations. Specifically, on September 12, 2023, Counsel for Defendants emailed a proposal to Counsel for Murphy along with notifying Counsel for Murphy that, in light of the proposal, Defendants intended to file a motion to dismiss this proceeding as moot without prejudice. Murphy's attorneys met with Murphy on September 22 and presented the proposal to him to determine whether Murphy would oppose the motion to dismiss. Earlier this week, Counsel for Murphy informed Counsel for Defendants about Murphy's concerns with the proposal. The

parties anticipate Counsel for Defendants will soon respond to Counsel for Murphy regarding what adjustments to the proposal, if any, Defendants will make to address Murphy's concerns.

Because the parties are still discussing the degree to which Murphy will have access to his spiritual advisor in the pre-execution holding area (relevant to whether Murphy will oppose Defendants' motion to dismiss), the parties respectfully suggest that a scheduling order would be premature. Counsel for the parties will continue their attempts to resolve the outstanding issues and whether Murphy will oppose the motion to dismiss. The parties anticipate the Motion to Dismiss will be filed soon. Further litigation in this proceeding will obviously not be necessary at this time if Murphy does not oppose the motion.

Respectfully submitted,

/s/ David R. Dow  
Texas Bar No. 06064900  
University of Houston Law Center  
4604 Calhoun Rd.  
Houston, Texas 77204-6060  
713-743-2171  
ddow@central.uh.edu

/s/ Jeffrey R. Newberry  
Texas Bar No. 24060966  
University of Houston Law Center  
4604 Calhoun Rd.  
Houston, Texas 77204-6060  
713-743-6843  
jrnewber@central.uh.edu

*Counsel for Plaintiff*

/s/ Michael J. Calb  
Texas Bar No. 24126986  
Southern Filing No. 1563191  
Assistant Attorney General  
Michael.Calb@oag.texas.gov  
  
Law Enforcement Defense Division  
P.O. Box 12548  
Austin, Texas 78711-2548  
P: 512-463-2080

*Counsel for Defendants*